

**Introduced by Senator Perata**

February 20, 2003

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An act relating to drug diversion.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as introduced, Perata. Drug diversion: sealed records.

Existing law provides for various diversion programs relative to controlled substances offenses.

This bill would express the intent of the Legislature to enact legislation that would seal the arrest records of persons who successfully complete a diversion program and have had the controlled substances offenses dismissed.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature to enact  
2 legislation to provide that whenever a person is diverted pursuant  
3 to a controlled substances diversion program, and successfully  
4 completes the program, and it appears to the court that dismisses  
5 the charges resulting in diversion that the interests of justice would  
6 be served by sealing the arrest record of the person who was  
7 diverted, the court may order that the records in that case be sealed,  
8 including any record of arrest or detention, upon the oral or written  
9 motion of any party to the case, or upon the court's own motion,  
10 and with notice to all parties. It is also the intent of the legislature  
11 to enact legislation that would provide that if the order is made, the  
12 court would give the defendant a copy of the order and inform the

- 1 defendant that he or she may thereafter state that he or she was not
- 2 arrested for that charge.

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